

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated **OCT 9 1986** relating to portions of the SOUTH END URBAN RENEWAL AREA, Mass. R-56, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Kauz Summari
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, § 40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such

fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that i accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Takint to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: **OCT 9 1986** BOSTON REDEVELOPMENT AUTHORITY
By:

Robert L. Farrell
Joseph J. Walsh
James H. Kelly
Eleonore J. Jones
Michael J. Gaudin

ATTEST:

Kenn Surmanian
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are taken by this Order of Taking:

Disposition Parcel SE-109 (1154 - 1160 Washington Street)

That certain parcel of land with buildings thereon, known as 1154 to 1160 Washington Street, Boston, Mass., located on the easterly side of Washington Street and bounded and described as follows:

WESTERLY	on said Washington Street, forty (40') feet;
SOUTHERLY	on land formerly of Isaac Babbitt, one hundred twenty feet on inch (120'.1");
EASTERLY	by land formerly of William Richardson, forty feet nine inches (40' 9");
NORTHERLY	by land now or late of Brown one hundred twenty-one feet nine inches (121' 9").

Containing approximately four thousand eight hundred thirty-six (4,836') square feet, more or less.

Parcel 1

A vacant parcel of land on Fay Street and formerly known as a portion of Fay Street (Granite Place) and a parcel of land formerly an abutting passageway bounded and described as follows:

Beginning at a point located approximately 14.45 feet from the northeasterly corner of Lot 37 on said plan of Wadsworth and the southerly sideline of Fay Street and thence continuing on the southerly sideline of Fay Street by land of The Berkeley Trusts Lots 37, 38 and 39, as shown on a plan dated August 16, 1884, by Alex Wadsworth recorded at Suffolk Deeds in Book 534, page 101, a distance of approximately forty (40') feet to the northwest corner of Lot 39 shown on said plan;

thence turning and running along the northwesterly sideline of Lot 39 on said plan a distance of approximately seventeen (17) feet to a point;

thence turning and running in a northwesterly direction by land now or formerly of The Berkeley Trust, a distance of approximately four (4') feet to a point;

thence turning and running in a northeasterly direction by land now or formerly of The Berkeley Trust, Lots 40 and 42, a distance of approximately twenty-five (25') feet to a point;

thence turning and running by Lot 42 on said plan, land now or formerly of The Berkeley Trust a distance of approximately thirty-eight (38') feet to a point on Fay Street;

thence turning and running along Fay Street in a southerly direction a distance of approximately thirteen (13') feet.

The owner of the parcels hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

MEMORANDUM

OCTOBER 9, 1986

0/T
Doc #4816¹²

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: RICARDO MILLETT, ASSISTANT DIRECTOR FOR COMMUNITY
DEVELOPMENT
PAUL McCANN, ASSISTANT TO DIRECTOR
RALPH F. CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: SOUTH END URBAN RENEWAL AREA
CONFIRMATORY ORDER OF TAKING
DISPOSITION PARCEL SE-109 AND SLIVER PARCEL AND
ACCESS EASEMENT

The Authority, on August 14, 1986, finally designated Boston City Lights Foundation, Inc., as Redeveloper of Parcel SE-109, located at 1154-1160 Washington Street, in the South End Urban Renewal Area, for the purpose of rehabilitation of the vacant six-story building into a performing arts center and eight residential condominium units for artists. The closing is expected shortly and it is appropriate at this time for the Authority to execute a confirmatory Order of Taking for Parcel SE-109 to insure good and clear title can be conveyed.

It is also necessary to insure success of this project and that the Redeveloper have a secondary means of egress. Mario Nicosia is the owner of the adjacent land over which a five-foot wide easement is needed and this area is shown as Parcel 2 on the attached plan. He is agreeable to waiving damages to this taking for the consideration of the Authority confirming title to a comparable size parcel of land in his rehab property area shown as Parcel 1 on the attached plan.

It is, therefore, recommended that the Authority adopt a Confirmatory Order of Taking for Disposition Parcel SE-109, the sliver parcel, and non-exclusive access easement.

An appropriate vote follows:

VOTED: that the Authority adopt a Confirmatory Order of Taking for Parcel SE-109, including Parcels 1 and 2 on the attached plan. The Authority further authorizes the Director to execute and convey the Parcel 1 sliver parcel as shown on the attached plan to the abutter in exchange for a waiver of damages to the taking of a five-foot easement shown as Parcel 2 on the attached plan.

